

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**SANDRA LATHAM**

Claimant

**APPEAL NO: 08A-UI-01781-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRAIRIE VIEW MANAGEMENT INC**

Employer

**OC: 01-06-08 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 13, 2008, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 6, 2008. The claimant participated in the hearing. Ann Bunn, Administrator; Tammy Rema, Nurse Coordinator; and Dave Gross, Director of Nursing, participated in the hearing on behalf of the employer. Employer's Exhibits One and Two were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a fill-in CNA for Prairie View Management from April 30, 2007 to January 5, 2008, at which time she turned in her keys and left the facility because she was not listed on the January schedule. The claimant was scheduled in December 2007 because one of the part-time CNAs was on maternity leave and as a fill-in the claimant was scheduled to cover some of her shifts and would be notified on a week to week basis. She did limit her availability and schedule by refusing to work Mondays, Wednesdays and Fridays because she said she worked another job that paid more and did not like the people scheduled for that shift. On January 5, 2008, the claimant turned in her keys with a note stating she assumed she was no longer working there because she was not on the schedule.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant maintains she was discharged because she was not on the January 2008 schedule, she was hired as a fill-in employee and then limited her schedule because of another job and because she did not like the employees on a particular shift. Fill-in employees work as needed and although she worked on the schedule in December 2007 that was due to a part-time employee being on maternity leave. The claimant assumed her employment was terminated rather than speaking to the employer to find out why she was not on the January 2008 schedule and the employer had no intention of discharging the claimant. Under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

**DECISION:**

The February 13, 2008, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs